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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/719,314

11/20/2003

Allen Jacobs

37182-19

3078

7590

05/09/2006

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EXAMINER

LA, ANH V

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 05/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/719,314

Applicant(s)

JACOBS, ALLEN

Examiner

Anh V. La

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/21/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 4, 5, 6, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marcus (US 4,734,862) in view of Nicholls (US 4,059,821).

Regarding claim 1, Marcus discloses a traffic control system for coordinated operation of a plurality of traffic control lights and pedestrian advisory signs having potentially conflicting states, a malfunction management unit having input terminals for receiving control signals used to operate the traffic control lights and pedestrian advisory signs, monitoring means 8 for detecting a conflict between a DON'T WALK input signal and at least one of the other traffic control signals (column 1, lines 15-39) and for generating a conflict signal response thereto, and an output coupled to the monitoring means for controlling the operation of an output relay used to transfer the operation of the traffic control lights to a flashing mode of operation when a conflict is detected (col. 1, lines 39-42). Marcus does not clearly disclose the DON'T WALK input signal being flashing. Nicholls teaches the use of a flashing DON'T WALK input signal (abstract, column 1, lines 45-52, col. 3, lines 1-5). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to

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include the DON'T WALK input signal being flashing to the system of Marcus as taught by Nicholls for the purpose of getting attention from the pedestrian.

Regarding claim 5, Marcus discloses a method of monitoring for conflicts between DON'T WALK pedestrian advisory sign control signals and other control signals used to operate traffic control lights, comprising the steps of detecting a DON'T WALK pedestrian advisory sign control signal, detecting the states of the other control signals, and generating a conflict signal when a conflict occurs between a flashing DON'T WALK signal and at least one of the other control signals (figures 1,2a, 2b, col. 1, lines 1-42). Marcus does not clearly disclose the DON'T WALK signal being flashing. Nicholls teaches the use of a flashing DON'T WALK signal (abstract, column 1, lines 45-52, col. 3, lines 1-5). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include the DON'T WALK signal being flashing to the method of Marcus as taught by Nicholls for the purpose of getting attention from the pedestrian.

Regarding claims 3 and 10, Marcus discloses a display means 14 (col. 6, lines 30-45).

Regarding claims 4 and 6, Marcus discloses the control signals being assigned to channels (see figure 4) and a plurality of display units assigned to different channels (col. 7, line 50- col. 8, line 50).

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3. Claims 2 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marcus in view of Nicholls as applied to claim 1 above, and further in view of Carlson (US 4,586,041).

Regarding claims 2 and 7, Marcus as modified by Nicholls discloses all the claimed subject matter as set forth above in the rejection of claim 1, but still does not clearly disclose a manually settable switch means. Carlson teaches the use of a manually settable switch means (column 4, lines 1-17, figure 1). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include a manually settable switch means to the system of Marcus (modified by Nicholls) as taught by Carlson for the purpose of enabling and disabling the monitoring means.

4. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marcus in view of Nicholls as applied to claim 1 above, and further in view of Neel (US 5,387,909).

Regarding claims 8 and 9, Marcus as modified by Nicholls discloses all the claimed subject matter as set forth above in the rejection of claim 1, but still does not clearly disclose delay means. Neel teaches the use of delay means (column 1, lines 30-35). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include delay means to the system of Marcus (modified by Nicholls) as taught by Neel for the purpose of preventing false alarm signal.

***Answers to Remarks***

5. Applicant's arguments filed on December 21, 2005 have been fully considered.

Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

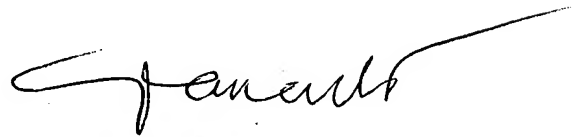
6. **THIS ACTION IS MADE NON-FINAL.**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh V. La whose telephone number is (571) 272-2970. The examiner can normally be reached on Mon-Fri from 9:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**ANH V. LA**  
**PRIMARY EXAMINER**

Anh V La  
Primary Examiner  
Art Unit 2636

AI  
March 17, 2006